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TO: EXAMINER Willie Wendell Berry, Jr.
ART UNIT 3723
EXAMINER'S FAX NUMBER (703) 872-9303

FROM: Peter S. Zawilski

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OCT 18 2002

GROUP 3700

RE: SERIAL NO. 09/871,507
DOCKET NO. US 018074

4 Pages (including cover sheet)


This transmission includes:

Response to Final Office Action dated 11-SEP-2002

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on October 18, 2002.


Peter Zawilski

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Ed
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#8
Response

In re the Application of:
Landon B. Vines *et al.*
Serial No. 09/871,507
Filed: 5/31/2001
For: A CMP Polisher Substrate Removal Control
Mechanism and Method

Group: 3723
Examiner: Willie Berry, Jr.
Docket No.: US 018074

RESPONSE TO SEPTEMBER 11, 2002 OFFICE ACTION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action dated September 11, 2002, please consider the following amendments and remarks.

Remarks

Applicants appreciate Examiner's approval of drawing corrections filed on June 18, 2002.

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicants respectfully submit that the claimed invention is allowable over the cited reference.

Claims 1 – 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Osterheld et al* (U.S. Patent 6,319,098 hereinafter, *Osterheld*).

Applicants respectfully reiterate, with respect to the §103 rejection, the Office Action does not establish a *prima facie* case of obviousness. A *prima facie* case of obviousness requires both: a complete correspondence between the asserted prior art and the claimed invention, and evidence that a skilled artisan would be motivated to modify the *Osterheld* patent as asserted. In this instance, the Office Action has not satisfied either requirement.